

**BEFORE THE STATE BOARD OF REGISTRATION
FOR THE HEALING ARTS**

THE STATE BOARD OF REGISTRATION)
FOR THE HEALING ARTS)

Petitioner,)

v.)

Case No. 2011-003945

STEVEN WAYNE GILLROY, D.O.)

Respondent.)

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

The Missouri State Board of Registration for the Healing Arts in accordance with law and pursuant to notice, took up this matter at its regularly scheduled meeting on April 20, 2012. The Board's litigation counsel, Nancy Skinner, presented evidence on behalf of the Board. Earl Kraus, Chief Legal Counsel for the Division of Professional Registration, acted as the Board's legal advisor in these proceedings, in the Board's deliberations, and in the preparing of this order. Dr. Gillroy did not appear in person or through legal counsel.

Evidence was adduced, exhibits were received, and argument was heard regarding whether Dr. Gillroy's license as a physician should be revoked pursuant to § 334.103.1, RSMo. The Board took the matter under advisement to deliberate and determine an appropriate disposition. Being fully advised of the above, the Board now enters, by default, its default findings of fact, conclusions of law and order revoking Dr. Gillroy's license as a physician.

FINDINGS OF FACT

1. The Board is an agency of the State of Missouri created and established pursuant to § 334.120, RSMo, for the purpose of executing and enforcing the provisions of chapter 334, RSMo.
2. Respondent, Steven Wayne Gillroy, D.O., is licensed by the Board as a physician, license number 2008011535, which was first issued on April 25, 2008. Licensee's license lapsed January 31, 2012.
3. On or about December 8, 2011, the Department of the Army held a criminal prosecution at Fort Leonard Wood, Missouri, and found Licensee guilty of two counts of violating Article 134 of the Military Code of Justice by soliciting a controlled substance from another soldier and a nurse, three counts of violating Article 112a of the Military Code of Justice by wrongfully using controlled substances and two counts of violating Article 133 of the Military Code of Justice by wrongfully obtaining a controlled substance from his soldier-patient and from another patient, for which Licensee was sentenced to three years confinement and to be dismissed from the Army.
4. On or about March 13, 2012, a complaint was filed by Board legal counsel alleging violation by Licensee of § 334.103.1, RSMo, and facts and law supporting such violation. In this complaint, Board counsel sought a determination by the Board that such violation had occurred and that the Board, following such determination, revoke Licensee's license as required in § 334.103.1, RSMo.

5. The Board provided Licensee notice of the April 20, 2012 Board hearing by hand delivery of the hearing notice to Sergeant Gandy at U.S.P. Leavenworth, U.S. Penitentiary in Leavenworth, Kansas.

6. Licensee did not respond or otherwise communicate or defend against this proceeding by the Board.

CONCLUSIONS OF LAW

7. This Board has jurisdiction over this proceeding pursuant to § 334.103.1, RSMo, which provides:

A license issued under this chapter by the Missouri State Board of Registration for the Healing Arts shall be automatically revoked at such time as the final trial proceedings are concluded whereby a licensee has been adjudicated and found guilty, or has entered a plea of guilty or nolo contendere, in a felony criminal prosecution under the laws of the state of Missouri, the laws of any other state, or the laws of the United States of America for any offense reasonably related to the qualifications, functions or duties of their profession, or for any felony offense involving fraud, dishonesty or an act of violence, or for any felony offense involving moral turpitude, whether or not sentence is imposed, or, upon the final and unconditional revocation of the license to practice their profession in another state or territory upon grounds for which revocation is authorized in this state following a review of the record of the proceedings and upon a formal motion of the state board of registration for the healing arts. The license of any such licensee shall be automatically reinstated if the conviction or the revocation is ultimately set aside upon final appeal in any court of competent jurisdiction.

8. Section 324.045, RSMo, provides:

1. Notwithstanding any provision of chapter 536, in any proceeding initiated by the division of professional registration or any board, committee, commission, or office within the division of professional registration to determine the appropriate level of discipline or additional discipline, if any, against a licensee of the board, committee, commission, or office within the division, if the licensee against whom the proceeding has been initiated upon a properly pled writing filed to initiate the contested case and upon proper notice fails to plead or otherwise defend against the proceeding, the board, commission, committee, or office within the division shall enter a default decision against the licensee without further

proceedings. The terms of the default decision shall not exceed the terms of discipline authorized by law for the division, board, commission, or committee. The division, office, board, commission, or committee shall provide the licensee notice of the default decision in writing.

2. Upon motion stating facts constituting a meritorious defense and for good cause shown, a default decision may be set aside. The motion shall be made within a reasonable time, not to exceed thirty days after entry of the default decision. "Good cause" includes a mistake or conduct that is not intentionally or recklessly designed to impede the administrative process.

9. Article 134 of the Military Code of Justice states:

Though not specifically mentioned in this chapter, all disorders and neglects to the prejudice of good order and discipline in the armed forces, all conduct of a nature to bring discredit upon the armed forces, and crimes and offenses not capital, of which persons subject to this chapter may be guilty, shall be taken cognizance of by a general, special, or summary court-martial, according to the nature and degree of the offense, and shall be punished at the discretion of that court. 10 U.S.C.A. § 934 (West).

10. Article 112a of the Military Code of Justice states:

(a) Any person subject to this chapter who wrongfully uses, possesses, manufactures, distributes, imports into the customs territory of the United States, exports from the United States, or introduces into an installation, vessel, vehicle, or aircraft used by or under the control of the armed forces a substance described in subsection(b) shall be punished as a court-martial may direct. (b) The substances referred to in subsection (a) are the following:

(1) Opium, heroin, cocaine, amphetamine, lysergic acid diethylamide, methamphetamine, phencyclidine, barbituric acid, and marijuana and any compound or derivative of any such substance.

(2) Any substance not specified in clause (1) that is listed on a schedule of controlled substances prescribed by the President for the purposes of this article.

(3) Any other substance not specified in clause (1) or contained on a list prescribed by the President under clause (2) that is listed in schedules I through V of section 202 of the Controlled Substances Act (21 U.S.C. 812). 10 U.S.C.A. § 912a (West).

11. Article 133 of the Military Code of Justice states:

Any commissioned officer, cadet, or midshipman who is convicted of conduct unbecoming an officer and a gentleman shall be punished as a court-martial may direct.

12. Violation of Articles 134, 112a and 133 of the Military Code of Justice each constitutes a felony and involves fraud, dishonesty or moral turpitude.

13. The crimes to which Licensee was convicted as set forth herein are reasonably related to the qualifications, functions or duties of Licensee's profession and involves fraud, dishonesty or moral turpitude requiring automatic revocation of Respondent's license as a physician under § 334.103.1, RSMo.

14. This proceeding was initiated upon a properly pled writing filed with the Board to initiate the contested case.

15. Proper and timely notice of this proceeding was provided to Licensee.

16. Licensee failed to respond or otherwise defend against this proceeding by the Board.

17. A decision in default is warranted in this case under § 324.045, RSMo.

18. The Board is authorized to impose a time period during which a revoked licensee may not seek reinstatement with the Board, as set forth in § 334.100, RSMo, which provides, in pertinent part:

5. In any order of revocation, the board may provide that the person may not apply for reinstatement of the person's license for a period of time ranging from two to seven years following the date of the order of revocation. All stay orders shall toll this time period[.]

19. The Board has determined that this order is necessary to ensure the protection of the public.

DISCIPLINARY ORDER

Having fully considered all evidence before this Board, it is the ORDER of the Board, by default, that Dr. Steven Wayne Gillroy's license as a physician, license number 2008011535, be REVOKED. It is further ordered that Dr. Gillroy shall immediately return all evidence of licensure to the Board and that Dr. Gillroy shall not apply for reinstatement of his license for a period of seven (7) years.

EFFECTIVE THIS 23 DAY OF MAY, 2012.


Tina Steinman, Executive Director